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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/015,281
Filing Date: December 12, 2001
Appellant(s): BROWN ET AL.

H. Artoush Ohanian
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed December 14, 2006 appealing from the Office action mailed August 25, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is incorrect. A correct statement of the status of the claims is as follows:

This appeal involves claims 1-21, 52, and 53.

Claims 22-51 were cancelled according to amendment filed 07/16/2003.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

The following is a listing of the evidence (e.g., patents, publications, Official Notice, and admitted prior art) relied upon in the rejection of claims under appeal.

6,038,305	McAllister et al.	03-2000
2005/0141679	Zirngibl et al.	06-2005
6,442,242	McAllister et al.	08-2002
2001/0047414	Yoon et al.	11-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. Claims 1, 3-5, 7, 10, 12-14, 16, 18, 20, 21 and 52 are rejected under 35 U.S.C. 102(b) as being anticipated by McAllister et al. (U.S. Patent No. 6,038,305) (Hereinafter McAllister'305).

Regarding claim 1, McAllister'305 teaches receiving speech [i.e., a voice utterance] for a caller at the IP23 [i.e., server] external to the trusted telephone network (fig.4A, 4B; col.13, lines 22-41, col.19, lines 49-67, col.20, lines 1-12, 22-29). (Note: trusted telephone network includes central office 11 and SS7 network (see fig.1, col.11, line 62))

McAllister'305 further teaches identifying a caller ID [i.e., identity] associated with the speech at the IP23, such that the caller ID is transmittable within the trusted telephone network as an authenticated identity of the caller for a call (fig.4A, 4B; col.13, lines 22-41, col.19, lines 49-67, col.20, lines 1-12, 22-29, col.21, lines 30-50).

Regarding claims 3 and 12, McAllister'305 teaches receiving, at the IP23, a request for a caller identity from the trusted telephone network (fig.4A; col.19, lines 49-64).

McAllister'305 further teaches prompting the caller to provide the speech (col.19, lines 49-67, col.20, lines 1-3).

Regarding claims 4, 13 and 21, McAllister'305 teaches extracting certain characteristic information [i.e., speech characteristics] from the speech [i.e., voice utterance] (col.13, lines 22-41, col.20, lines 22-29).

McAllister'305 further teaches comparing the extracted characteristic information with a stored pattern information [i.e., plurality of voice samples stored] for identifying a caller [i.e., plurality of callers] (col.13, lines 22-41, col.20, lines 22-29).

Regarding claims 5 and 14, McAllister'305 teaches the trusted telephone network comprising a plurality of subscriber telephone stations (fig.1).

Regarding claim 7, McAllister'305 teaches accessing the IP23 from the trusted telephone network through a TCP/IP network 27 [i.e., Internet connection] (fig.1; col.19, lines 49-52).

Claim 10 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, McAllister'305 teaches the IP23 communicatively connected to a trusted telephone network by a TCP/IP network 27 [i.e., external network] (fig.1; col.19, lines 49-52).

Regarding claim 16, McAllister'305 teaches that the external network is the internet (fig.1).

Claims 18 and 20 are rejected for the same reasons as discussed above with respect to claim 10. Furthermore, McAllister'305 teaches recording medium (col.20, lines 13-21).

McAllister'305 further teaches controlling transmission of the caller identity to the trusted telephone network as an authenticated identity of the caller for a call (col.21, lines 30-50).

Regarding claim 52, McAllister'305 teaches receiving, from a trusted telephone network, a caller identity [i.e., authenticated caller identity] for a caller at a telephony device wherein the caller identity is identified [i.e., authenticated] at a speaker identification/verification (SIV) service [i.e., authentication service] accessible via a network external to the trusted telephone network, wherein the trusted telephone network initiates the speaker identification/verification (SIV) service [i.e., authentication service] (fig.4A, 4B; col.13, lines 22-41, col.19, lines 49-67, col.20, lines 1-12, 22-29, col.21, lines 30-50).

McAllister'305 further teaches controlling output of the caller identity from the telephony device, such that the called party [i.e., individual] with access to the telephony device is informed of the identity of the caller (fig.4A, 4B; col.13, lines 22-41, col.19, lines 49-67, col.20, lines 1-12, 22-29, col.21, lines 30-50).

Claim Rejections - 35 USC § 103

2. Claims 2, 9, 11, 19 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over McAllister et al. (U.S. Patent No. 6,038,305) (Hereinafter McAllister'305) in view of Zirngibl et al. (U.S. Pub. No. 2005/0141679).

McAllister'305 as applied to claims 1, 10 and 18 above differs from claims 2 and 11, in that McAllister'305 discloses receiving speech [i.e., a voice utterance] through a connection between the IP23 and the trusted telephone network (fig.1; col.13, lines 22-41, col.19, lines 49-67).

However, McAllister'305 does not specifically teach "a secure channel". Zirngibl teaches the use of a secure channel (page 13, paragraph 0196). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McAllister'305 to incorporate a secure channel as taught by Zirngibl. The motivation for the modification is to do so in order to provide a secure exchange of data between two communication entities.

Claims 9 and 19 are rejected for the same reasons as discussed above with respect to claim 2. Furthermore, McAllister'305 teaches transferring the caller identity to the trusted telephone network through a connection (fig.1; col.21, lines 30-50).

Claim 53 is rejected for the same reasons as discussed above with respect to claim 2. Furthermore, McAllister'305 teaches receiving, at a telephony device, connection via a trusted telephone network to a speaker identification/verification (SIV) service [i.e., authentication service], wherein the trusted telephone network initiates the speaker identification/verification (SIV) service [i.e., authentication service] (fig.4A, 4B; col.13, lines 22-41, col.19, lines 49-67, col.20, lines 1-12, 22-29, col.21, lines 30-50).

McAllister'305 further teaches facilitating, from the telephony device, communications between the speaker identification/verification (SIV) service [i.e., authentication service] and a

caller such that the speaker identification/verification (SIV) service [i.e., authentication service] is enabled to identify [i.e., authenticate] an identity of the caller (fig.4A, 4B; col.13, lines 22-41, col.19, lines 49-67, col.20, lines 1-12, 22-29, col.21, lines 30-50).

3. Claims 6 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over McAllister et al. (U.S. Patent No. 6,038,305) (Hereinafter McAllister'305) in view of McAllister et al. (U.S. Patent No. 6,442,242) (Hereinafter McAllister'242).

McAllister'305 as applied to claims 1 and 10 above differs from claims 6 and 15, in that McAllister'305 does not specifically teach "private switching system". McAllister'242 teaches a private automatic branch exchange [i.e., private switching system] (fig.1; col.4, lines 44-49). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McAllister'305 to incorporate a secure channel as taught by McAllister'242. The motivation for the modification is to do so in order to make use of private lines over carrier transmission facilities.

4. Claims 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over McAllister et al. (U.S. Patent No. 6,038,305) (Hereinafter McAllister'305) in view of Yoon et al. (U.S. Pub. No. 2001/0047414).

McAllister'305 as applied to claims 1 and 10 above differs from claim 8, in that McAllister'305 teaches accessing said server from said trusted telephone network through a

TCP/IP network connection (fig.1). However, McAllister'305 does not specifically teach accessing through a private network connection. Yoon teaches accessing the server 154 [i.e., server] through a dedicated private network connection [i.e., private network connection] (abstract; fig.2; page no.4, paragraph 0073). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McAllister'305 to access through a private network connection as taught by Yoon. The motivation for the modification is to have the private network connection in order to make use of private lines over carrier transmission facilities.

McAllister'305 as applied to claims 1 and 10 above differs from claim 17, in that McAllister'305 does not specifically teach "external network is a private network". Yoon teaches that external network is a dedicated private network (abstract; fig.2; page no.4, paragraph 0073; 'dedicated private network' reads on the claim 'private network'). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McAllister'305 to incorporate external network as a private network as taught by Yoon. The motivation for the modification is to have the private network in order to get benefit of using an external network as a private network by utilizing private lines over carrier transmission facilities.

(10) Response to Argument

Ia: On pages 7-13 of the Appeal Brief, regarding claims 1,3-5,7,10,12-14,16,20,21, and 52, the Appellant contends that McAllister'305 does not disclose "A method for externally identifying a particular caller, said method comprising: receiving a voice utterance for a caller at a server external to a trusted telephone network; and identifying a caller identity associated with said voice utterance at said server, such that said caller identity is transmittable within said trusted telephone network as an authenticated identity of said caller for a call". Examiner respectfully disagrees with this argument for the following reasons.

Examiner believes that McAllister'305 teaches a trusted telephone network for receiving a caller's speech and forward the speech to an IP23 [i.e., server] (see McAllister's'305 fig.4A, 4B; col.13, lines 22-41, col.19, lines 49-67, col.20, lines 1-12, 22-29). McAllister'305 teaches a central office equipped with switching equipment (item 11, Fig.1) that communicates with the SCP and IP23 for a caller's speech and forwards the speech to an IP23. McAllister'305 further teaches that the STP connected between SCP and SSP is a very reliable network (col.10, lines 1-5). It is very clear that switching equipments (e.g. switching system, subscriber lines, etc.) in the central office (item 11, Fig.1) is a reliable one because at least the signaling network/connection (i.e., STP) is a reliable one (col.10, lines 1-5). From Merriam-Webster's Collegiate dictionary (10^{th} edition), the meaning of the '**trusted**' is '**reliable**' (see page 1265). Therefore, the **reliable telephone network** of McAllister'305 reads on the claimed '**trusted telephone network**'.

On page 3 of the Appeal Brief, the Appellant states that support of the limitation "receiving a voice utterance for a caller at a server external to a trusted telephone network" is described in the original disclosure at page 38, lines 15-25 and S24 of Figure 5. Both of the page 38 and Figure 5 disclose that spoken identification information [i.e., voice utterance for a caller] is received at the central office (hereinafter, C.O.) from the origin device and transmitted to a server. In other words, the server is connected to the C.O.. Appellant's disclosure and McAllister'305 teach the same network (i.e. C.O.) used for connecting both caller's device and the server.

Ib: Examiner also believes that IP23 [i.e., server] is **externally** connected to the trusted telephone network. In McAllister'305, the combination of **C.O.** and **SS7 network** reads on the claimed '**trusted telephone network**'. McAllister'305 further teaches that the SCP in the trusted telephone network uses another network (i.e., TCP/IP) (item 27, Fig.1) to control the server. Therefore, the server is **externally** connected to the trusted telephone network.

Ic: Examiner also believes that McAllister'305 teaches identifying a caller identity associated with said voice utterance at said server, such that said caller identity is transmittable within said trusted telephone network as an authenticated identity of said caller for a call. McAllister'305 teaches that IP23 [i.e., server] verifies caller identity associated with caller's speech (col.20, lines 6-29). McAllister'305 further teaches that this caller identity is delivered to a destination station through the central office 11 [i.e., trusted telephone network] (col.20, lines 6-29).

On page 3 of the Appeal Brief, the Appellant states that support of the limitation "caller identity is transmittable within said trusted telephone network as an authenticated identity of said caller for a call" is described in the original disclosure at page 38, line 26-page 39, line 10 and S25 of Figure 5. Both of the page 38 and Figure 5 disclose that after verifying the caller identity, the caller identity is transmitted to the central office. In other words, the caller identity is transmittable within the central office as an authenticated identity of said caller for a call. Therefore, it is clear that the **central office** can be a **trusted telephone network**.

Thus the rejection of the claims in view of McAllister'305 is proper.

II: On page 14 of the Appeal Brief, regarding claims 2,9,11,19, and 53, the Appellant further contends that Zirngibl does not teach trusted telephone networks. However, this argument is **not** relevant because, Examiner relied upon Zirngibl for the teaching of 'a secure channel'.

On page 15 of the Appeal Brief, the Appellant further contends that "The above reference in the Office Action does not point to any specific teaching in either McAllister or Zirngibl suggesting such a combination". The examiner respectfully disagrees with this argument. McAllister'305 provides the suggestion that the interaction between the caller and the IP23 is for authenticating the caller's speech (col.19, lines 59-61, col.20, lines 1-2).

Thus the rejection of the claims in view of McAllister'350 and Zirngibl is proper.

III: On page 16 of the Appeal Brief, regarding claims 6, and 15, the Appellant further contends that Column 4, lines 44-49 of McAllister'242 does not disclose trusted telephone networks or secure channels. However, this argument is **not** relevant because, Examiner relied upon McAllister'242 for the teaching of 'private switching system'.

On page 17 of the Appeal Brief, the Appellant further contends that "The above reference in the Office Action does not point to any specific teaching in either McAllister or McAllister suggesting such a combination". The examiner respectfully disagrees with this argument. McAllister'350 provides the suggestion that a business person can speak the name of the business (col.25, lines 54-59). PBX is a small company central office (page 598, Newton's telecom dictionary, 19th edition). Therefore, the business person can own a PBX.

Thus the rejection of the claims in view of McAllister'350 and McAllister'242 is proper.

IV: On page 18 of the Appeal Brief, regarding claims 8, and 17 the Appellant further contends that the office action basis its rejection the phrase 'IP' in Yoon and equating the phrase 'IP' of Yoon with a server. However, this is a typographical mistake and such mistake was corrected in the Examiner Answer (see 103 rejection of the claims 8 and 17 under section **(9) Grounds of Rejection**). Examiner interprets server 154 (fig.1) of Yoon as the claimed 'server'.

On page 19 of the Appeal Brief, the Appellant further contends that "The above reference in the Office Action does not point to any specific teaching in either McAllister or Yoon suggesting such a combination". The examiner respectfully disagrees with this argument. McAllister'305 provides the suggestion that a business person can speak the name of the business (col.25, lines 54-59). Therefore, the business person can own a private network.

Thus the rejection of the claims in view of McAllister'305 and Yoon should be sustained.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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March 27, 2007

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